

CHAPTER 14 REED-COOKE OVERLAY DISTRICT**Section**

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1400 GENERAL PROVISIONS

1400.1 The Reed-Cooke (RC) Overlay District shall be applied to the portions of Squares 150, 2557, 2558, 2560, 2562, 2563, 2566, 2567, and 2572 in the Reed-Cooke Special Treatment Area, as defined in the Comprehensive Plan, 10 DCMR § 1127, that are zoned nonresidentially as of January 1, 1989.

1400.2 The purposes of the RC Overlay District shall be to:

- (a) Implement the objectives of the Reed-Cooke Special Treatment Area, which are to:
 - (1) Protect current housing in the area and provide for the development of new housing;
 - (2) Maintain heights and densities at appropriate levels; and
 - (3) Encourage small-scale business development that will not adversely affect the residential community;
- (b) Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams-Morgan community; and
- (c) Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts.

1400.3 The RC Overlay District and the underlying commercial and residential zone districts shall together constitute the zoning regulations for the geographic area identified in § 1400.1.

1400.4 Where there are conflicts between this chapter and the underlying zone district, the more restrictive regulations shall govern.

1400.5 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to:

- (a) All new construction;
- (b) All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;
- (c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and
- (d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.

1400.6 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to § 1400.5(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:

- (a) The first shall be selected by the owner;
- (b) The second shall be selected by the Zoning Administrator; and
- (c) The third shall be selected by the first two (2) contractors.

1400.7 The estimates provided for by § 1400.6 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.

1400.8 The cost of estimates shall be at the expense of the property owner.

AUTHORITY: Unless otherwise noted, the authority for this chapter is the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 6-641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.))).

SOURCE: Final Rulemaking published at 38 DCR 2386 (April 26, 1991); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8447-48 (October 20, 2000).

1401 USE PROVISIONS

1401.1 The following uses shall be prohibited in the RC Overlay District:

- (a) Bar or cocktail lounge;
- (b) Off-premises alcoholic beverage sales;
- (c) Restaurant or fast food restaurant;

- (d) Hotel or inn;
- (e) Transient accommodations that are not home occupations;
- (f) Movie theater;
- (g) Gasoline service station or repair garage;
- (h) Automobile laundry;
- (i) Drive-through;
- (j) Automobile or truck sales;
- (k) Boat or other marine sales;
- (l) Motorcycle sales or repair;
- (m) Automobile rental agency that stores or services automobiles within the RC Overlay District;
- (n) Billiard parlor or pool hall;
- (o) Video game parlor;
- (p) Bowling alley;
- (q) Funeral mortuary or other similar establishment;
- (r) Parcel delivery service establishment other than one exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on April 26, 1991;
- (s) Veterinary hospital;
- (t) On-premises dry cleaning establishment;
- (u) Assembly hall, auditorium, or public hall;
- (v) Bus passenger depot;
- (w) Antenna tower in excess of twenty feet (20 ft.) in height;
- (x) Satellite reception dish greater than fifteen feet (15 ft.) in diameter; and

- (y) Any use prohibited in the CR District by § 602.1, except a parking lot as permitted by § 1403.2.

SOURCE: Final Rulemaking published at 38 DCR 2384, 2386 (April 26, 1991); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8448 (October 20, 2000).

1402 HEIGHT AND BULK PROVISIONS

- 1402.1 The maximum height permitted in the RC Overlay District shall not exceed forty feet (40 ft.) plus roof structure as defined in this title; provided, that in the RC/C-2-B Overlay District, the Board of Zoning Adjustment may approve a maximum height of fifty feet (50 ft.) with appropriate setbacks from the street, plus roof structures, subject to determination by the Board that the project will provide for the on-site construction or substantial rehabilitation of low and moderate income household units, as defined by the regulations of the D.C. Department of Housing and Community Development, of a total gross floor area equal to fifty percent (50%) of the additional gross floor area made possible by this exception.
- 1402.2 For the purpose of this chapter, no Planned Unit Development shall exceed the matter-of-right height, bulk, and area requirements of the underlying district.

SOURCE: Final Rulemaking published at 38 DCR 2384, 2387 (April 26, 1991); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8448 (October 20, 2000).

1403 SPECIAL EXCEPTIONS

- 1403.1 An exception from the requirements of this chapter shall be permitted only if granted by the Board of Zoning Adjustment as a special exception pursuant to § 3104 after a public hearing, and subject to the following criteria:
 - (a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the RC Overlay District;
 - (b) Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;
 - (c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;
 - (d) If located within a C-2-B District, the use shall not be within twenty-five feet (25 ft.) of a Residence District, unless separated therefrom by a street or alley;

- (e) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;
- (f) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and
- (g) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

1403.2 A parking lot or garage shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to § 3104, subject to the following:

- (a) The parking lot or garage shall meet the conditions specified in §§ 214.4 through 214.8;
- (b) The parking lot or garage shall meet the conditions in § 1403.1; and
- (c) The Board may require that all or a portion of the parking spaces be reserved for the following:
 - (1) Residential parking;
 - (2) Unrestricted commercial parking;
 - (3) Accessory parking for uses within eight hundred feet (800 ft.); and
 - (4) Shared parking for different uses by time of day.

SOURCE: Final Rulemaking published at 38 DCR 2384, 2387 (April 26, 1991); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8448-49 (October 20, 2000).